

AUG 30 2013

United States District Court
CENTRAL DISTRICT OF ILLINOISCLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOISANTHONY, WIMBERLY,

Plaintiff

vs.

Case No. 13-3310

(The case number will be assigned by the clerk)

L. T. Schuller - I, A. D.Jeffrey D. Julius - I, A. D.Allen J. Ascarate - #10Michael E. Sanders - CounselorAngela K. Windsor - acting wardenet. al.

Defendant(s)

(List the full name of ALL plaintiffs and defendants in the caption above. If you need more room, attach a separate caption page in the above format).

COMPLAINT*

Indicate below the federal legal basis for your complaint, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants). However, 42 U.S.C. § 1983 and "Bivens" do not cover all prisoners' claims. Many prisoners' legal claims arise from other federal laws. Your particular claim may be based on different or additional sources of federal law. You may adapt this form to your claim or draft your own complaint.

- ☒ 42 U.S.C. §1983 (state, county or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)(federal defendants)
- ☐ Other federal law: _____
- ☐ Unknown _____

I. FEDERAL JURISDICTION

*Please refer to the instructions when filling out this complaint. Prisoners are not required to use this form or to answer all the questions on this form in order to file a complaint. This is not the form to file a habeas corpus petition.

Jurisdiction is based on 28 U.S.C. § 1331, a civil action arising under the United States Constitution or other federal law. (You may assert a different jurisdictional basis, if appropriate).

II. PARTIES

A. Plaintiff:

Full Name: ANTHONY WIMBERLY

Prison Identification Number: N-61282

Current address: SHAWNEE - correctional center
6665 St. Rt. 146 East Vienna, ILL. 62995

For additional plaintiffs, provide the information in the same format as above on a separate page. If there is more than one plaintiff, each plaintiff must sign the Complaint, and each plaintiff is responsible for paying his or her own complete, separate filing fee.

B. Defendants

Defendant #1:

Full Name: Lt. Schuller - [REDACTED] Internal Affairs

Current Job Title: Illinois Department of Corrections

Current Work Address Big Muddy River - correctional center
251 North Illinois Hwy 37 E. Va, ILL. 62846

Defendant #2:

Full Name: Jeffrey B. Julius - Internal Affairs

Current Job Title: Illinois Department of Corrections

Current Work Address Big Muddy River - correctional center
251 North Illinois Hwy 37 E. Va, ILL. 62846

Defendant #3:

Full Name: Allen J. Aparacio - Correctional Officer

Current Job Title: Illinois Department of Corrections

Current Work Address Big muddy river - correctional center
251 North Illinois Hwy 37 Ina, ILL. 62846

Defendant #4:

Full Name: Michael E. Sanders
Current Job Title: Illinois Department of Corrections - Head Counselor
Current Work Address Big muddy river - correctional center
251 North Illinois Hwy 37 Ina, ILL. 62846

Defendant #5:

Full Name: Angela K. Winsor - Warden at the time
Current Job Title: Illinois Department of Corrections
Current Work Address Big muddy river - correctional center
251 North Illinois Hwy 37 Ina, ILL. 62846

For additional defendants, provide the information in the same format as above on a separate page.

III. LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or appeal in forma pauperis in federal court if that prisoner has "on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

A. Have you brought any other lawsuits in state or federal court dealing with the same facts involved in this case? Yes ☐ No ☒

If yes, please describe _____

B. Have you brought any other lawsuits in federal court while incarcerated?

Yes ☒ No ☐

C. If your answer to B is yes, how many? 1 Describe the lawsuit(s) below.

1. Name of Case, Court and Docket Number
Wimberly v. Stateville CC et al. 2002
2. Basic claim made medical claim Fell down stairs
3. Disposition (That is, how did the case end? Was the case dismissed? Was it appealed? Is it still pending?) Settled 2005 or 2006

For additional cases, provide the above information in the same format on a separate page.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Prisoners must exhaust available administrative remedies before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). You are not required to allege or prove exhaustion of administrative remedies in the complaint. However, your case must be dismissed if the defendants show that you have not exhausted your administrative remedies, or if lack of exhaustion is clear from the complaint and its attachments. You may attach copies of materials relating to exhaustion, such as grievances, appeals, and official responses. These materials are not required to file a complaint, but they may assist the court in understanding your claim.

A. Is there a grievance procedure available at your institution? Yes ☒ No ☐

B. Have you filed a grievance concerning the facts relating to this complaint?

Yes ☒ No ☐

If your answer is no, explain why not _____

C. Is the grievance process completed? Yes ☒ No ☐

V. STATEMENT OF CLAIM

Place(s) of the occurrence Big muddy river- correctional center

Date(s) of the occurrence 7-6-2012 Thru Present

State here briefly the FACTS that support your case. Describe what each defendant did to violate your federal rights. You do not need to give any legal arguments or cite cases or statutes. Number each claim in a separate paragraph. Unrelated claims should be raised in a separate civil action.

THE COURT URGES YOU TO USE ONLY THE SPACE PROVIDED. Federal Rule of Civil Procedure 8(a) requires only a "short and plain statement" of your claim showing that you are entitled to relief. It is best to include only the basic, relevant facts, including dates, places, and names.

NDW Comes, ANTHONY, Wimberly, 9th and 14th Amendment citizen,
In Good Standing, to enter, File, and docket this complaint
under estelle v. Gamble theory of Deliberate Indifference,
the deprivations were brought against the Plaintiff by the
defendants under color of law. In there official capacity
and there individual capacity as well.

On the date of 7-6-12 3-11 shift inmate Wimberly #N-61282
was in an altercation with his at time, cellmate Bates #B-41674
and during said altercation inmate Bates grabbed inmate Wimberly's
Fan and commenced using it as a "weapon" thus breaking it and
causing ^{vision} Head-Face ^{eye} & ear and HP injuries of 25 stitches etc.
And incident report & disciplinary ticket stipulates these damages
and that Fan was used by inmate Bates, causing the above
stated injuries. However, according to the Department Rule
504.80(K) orientation manual Page 20 Category "L" adjustment
committee cannot make recommendations for any transfers as
the committee persons did in the case of inmate Wimberly #N-61282.
C/O Aparacio, Allen J. and Sanders Michael E. who is a counselor
at the Bigmuddy river corr-ctr. in violation of Department rule
504.8(K) and in violation of Wimberly's constitutional rights
under the 8th and 14th amendment to the United States. After
hearing date on charge of 301 8-6-12 where inmate Wimberly

Pleaded not Guilty, due to having to defend myself. And
then an extended investigation ticket 8-6-12 was written, after
the time was served on the 301 charge and Wimberly was continued
held in segregation until 9-6-12 and released, to find out that
I Wimberly # N-61282 was still on the transfer list to be shipped.
And it's all a plot to cover up the fact that the wrong charge
was written up on inmate Bates # B-41674, when it should've
been for a dangerous assault or attempt murder. And now Lt.
Schuller - I.A.D. is telling me that charges were pending against
inmate Bates # B-41674, and that's why he was transferred on 9-5-12.
But how can charges be brought when I inmate Wimberly is the
victim of the injuries sustained of 25 stitches, when he was hit
hit about the head + face, ear, lip, vision injury etc. Lt. Schuller
did not ask me if I wanted to press charges against inmate Bates,
and it seems as if it's okay to commit a crime of this magnitude
in the Big muddy river-correctional, and not be charged. Because
Lt. Schuller of Internal Affairs + co-worker 40 Jeffrey B. Julius Badge
#3150 had dropped the ball, when Lt. Schuller went on vacation, and left
his co-worker in charge to follow up on the investigation, and he wrote
up the wrong charge of a 301 on inmate Bates, when it was clear from
inmate Wimberly's injuries to an outside hospital - crossroads in mt. Vernon
that the charge should have been upgraded to a dangerous assault or
attempt murder. The ticket clearly states the severe injuries, so how
could the ball be dropped like that? and it's wrong! Defendants:
Lt. Schuller - I.A.D. Jeffrey B. Julius I.A.D. For not writing up the
correct charge, and covering up a crime. 40 Allen J. Aparicio, and
Michael E. Sanders - counselor - For recommending transfer, in violation
of D.R. 504.80(K) and Angela K. Winsor - warden at that time,
For signing off on a known crime + cover up if she would have

Just look thoroughly into seeing that something wasn't adding up, and it was something seriously wrong going on.

However, each listed defendant is held accountable for the cover up and actions committed against Plaintiff - Anthony, Kimberly #N-61282 whether it's separately or in concert to give the Plaintiff the relief he so deserves for damages caused.

(1) Corrective surgery to repair Plaintiff back to the original appearance he once had - Plastic surgery to remove scar over right side of face between eye brow (2) Corrective surgery to upper lip left side to remove scar. (3) Corrective surgery to left ear - to remove scar, etc. And whatever further relief the Court deems justified.

Plaintiff is a 14th amendment citizen in good standing before this court. Note: the record will develop as this litigation proceed and will discover the actual defendants during discovery commencement

RELIEF REQUESTED

(State what relief you want from the court.)

"IN-CONCLUSION" Additional claim etc.Date(s) of the occurrence 8th and 14th Amendment claim

State here briefly the FACTS that support your case. Describe what each defendant did to violate your federal rights. You do not need to give any legal arguments or cite cases or statutes. Number each claim in a separate paragraph. Unrelated claims should be raised in a separate civil action.

THE COURT URGES YOU TO USE ONLY THE SPACE PROVIDED. Federal Rule of Civil Procedure 8(a) requires only a "short and plain statement" of your claim showing that you are entitled to relief. It is best to include only the basic, relevant facts, including dates, places, and names.

THERE is an 8th and 14th Amendment-claim as to the -
Injuries Plaintiff strickly sustained, IF I.A.D. Lt. Schuller,
Jeffrey B. Julius- I.A.D. Done the Proper Puvestigation into
this matter thoroughly- the right charges would have been
brought. {2} and due to the Pujuries sustained, Plaintiff is
now experiencing pain in his left ear and disfigurement in
the earlobe or bone structure, as it appears broken. And a constant
ringing & shooting pain, piercing, throbbing pain. {3} And From-
being hit in the Face with the Fan, into the eye area, Plaintiff
is having blurred vision now. And the doctors only subscribe
"Aspirin". And to transfer Plaintiff out of the Facility, is so
much of a cover up, when it's apparent that severe damage was
caused, and I.A.D. didn't do their job duty in prosecuting the
individual who caused Plaintiff's Pujuries. In conclusion on
7-12-13 The eye doctor noted that due to impact from Fan- damaged
the muscle in the right eye, permanent damage to vision.

\$ 1,000,000.00 in Compensatory Damages against
each defendant, and or \$100,000.00 in concert
for all defendants.

\$ 1,000,000.00 in Punitive Damages against each defend
ant and reasonable attorney's fees and cost.
Such other relief as to the Court appears reasonable
and Just.

JURY DEMAND

Yes



No



Signed this 23 day of August, 2013.

by Agent

Anthony Wimberly
 (Signature of Plaintiff)

Name of Plaintiff:	Inmate Identification Number:
<u>ANTHONY WIMBERLY</u>	<u>N-61282</u>
Address: <u>SHAWNEE-correctional center</u> <u>6665 St. Rt. 146 East</u> <u>VPenna, ILL. 62995</u>	Telephone Number: <u>UNKNOWN</u>

**STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT**

Name: WIMBERLY, ANTHONY IDOC Number: N61282 Race: BLK
Hearing Date/Time: 8/6/2012 09:40 AM Living Unit: BMR-S1-01-23 Orientation Status: N/A
Incident Number: 201201463/1 - BMR Status: Final

Date	Ticket #	Incident Officer	Location	Time
7/6/2012	201201463/1-BMR	JULIUS, JEFFREY B	R2 HOUSING UNIT, D WING	03:45 PM

Offense	Violation	Final Result
301	Fighting	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
No Witness Requested			

RECORD OF PROCEEDINGS

Not Guilty - Had to defend myself.

BASIS FOR DECISION

Based on IDR by R/O J. Julius(IA). R/O reports I/M Bates R41674 and Wimberly N61282 were placed on Investigative Status for a possible physical altercation in R2 Cell D-62. Both inmates were interviewed. HCU injury reports and incident reports were also reviewed. This investigation has determined that after receiving mail Bates threw Wimberly's mail on Wimberly's bed while Wimberly was sleeping. This started a verbal argument that led to both inmates striking each other multiple times with closed fists. At some point during the fight Bates grabbed Wimberly's fan and began striking Wimberly in the face with the fan. This caused injuries to Wimberly's face that required treatment at Crossroads Hospital. Wimberly's injuries required 25 stitches. Bates' injuries consisted of an abrasion on his right eye and nose, and a small cut on his left arm. Positive ID by State ID Card END OF REPORT

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

1 Months C Grade
1 Months Segregation
Transfer (Keep Separate From)
1 Months Commissary Restriction
1 Months Gym/Yard Restriction
Basis for Discipline: Nature of Offense

FINAL

1 Months C Grade
1 Months Segregation
Transfer (Keep Separate From)
1 Months Commissary Restriction
1 Months Gym/Yard Restriction

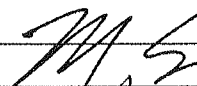
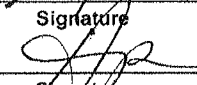
Signatures

Hearing Committee

SANDERS, MICHAEL E - Chair Person

APARICIO, ALLEN J

Recommended Action Approved

	08/06/12	WHI
Signature	Date	Race
	08/06/12	HSP
Signature	Date	Race

Final Comments: N/A

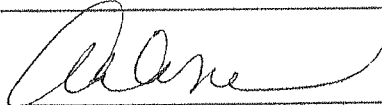
Need back-LT. Underwood
Quigley

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

Name: WIMBERLY, ANTHONY IDOC Number: N61282 Race: BLK
Hearing Date/Time: 8/6/2012 09:40 AM Living Unit: BMR-S1-01-23 Orientation Status: N/A
Incident Number: 201201463/1 - BMR Status: Final

ANGELA K WINSOR / AKW 8/9/2012

Chief Administrative Officer

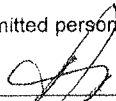


Signature

08/09/12

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

8/8/12 2:00 PM

When Served -- Date and Time

STATE OF ILLINOIS)
) SS
COUNTY OF JOHNSON)

AFFIDAVIT

I, ANTHONY WIMBERLY, do hereby declare and affirm that the following information within this affidavit is true and correct in substance and in facts:

State that on 9-13-12 Filed A Grievance in Compliance -
With Institutional rules - Department Rule 504. F and
Followed all procedures in exhausting all administrative remedies
against listed Defendants, and Forwarded to the -
Administrative Review board Springfield with no results
Ending my exhausted on 5-22-13.

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109, I declare, under penalty of perjury, that everything contained herein is true and accurate to the best of my knowledge and belief. I do declare and affirm that the matter at hand is not taken either frivolously or maliciously and that I believe the foregoing matter is taken in good faith.

SIGNED ON THIS 23 DAY OF August, 2013

Anthony Wimberly
AFFIANT

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Disciplinary Report

Big Muddy River Correctional Center
Facility

Date: 8/7/2012

Type of Report:

☐ Disciplinary ☒ Investigative

Offender Name: Wimberly, Anthony

ID #: N61282

Offense Information:

Observation Date: 8/6/2012

Approximate Time: 8:30

☒ a.m.
☐ p.m.

Location: Intel Office

Offense(s): PR 504:

Investigative Status

Observation:

(NOTE: Each offense identified above must be substantiated.) On the above date and approximate time Inmate Wimberly N61282 was placed on Investigative Status. Positive ID by State ID card.

Witness(es):

☐ Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

C/O J. Brent Julius Reporting Employee (Print Name)	3150 Badge #	9-5-12 7:50 Signature	8/7/2012 Date	8:47 Time	<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
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Disciplinary Action:

Shift Review:

☐ Temporary Confinement☒ Investigative Status

Reasons:

Printed Name and Badge #

Shift Supervisor's Signature

(For Transition Centers, Chief Administrative Officer)

Date

Reviewing Officer's Decision:

☐ Confinement reviewed by Reviewing Officer

Comment:

☐ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee☐ Minor Infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge #

Reviewing Officer's Signature

Date

☐ Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge #

Hearing Investigator's Signature

Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

☒ Check if offender refused to sign

Offender's Signature

ID#

Serving Employee (Print Name)

Badge #

Signature

Date Served

Time Served

☐ a.m.
☒ p.m.☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature

ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report

Print offender's name

ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:

Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Disciplinary Report

Big Muddy River Correctional Center
Facility

Date: 8/3/2012

Type of Report:

☒ Disciplinary ☐ Investigative

Offender Name: Wimberly, Anthony

ID #: N61282

Offense Information:

Observation Date: 7/6/2012 Approximate Time: 3:45 ☐ a.m. ☒ p.m. Location: R2 D-62

Offense(s): DR 504: 301 Fighting

Observation: (NOTE: Each offense identified above must be substantiated.) On the above date and approximate time Bates R41674 and Wimberly N61282 were placed on Investigative Status for a possible physical altercation in R2 Cell D-62. Both inmates were interviewed. HCU injury reports and incident reports were also reviewed. This investigation has determined that after receiving mail Bates threw Wimberly's mail on Wimberly's bed while Wimberly was sleeping. This started a verbal argument that led to both inmates striking each other multiple times with closed fists. At some point during the fight Bates grabbed Wimberly's fan and began striking Wimberly in the face with the fan. This caused injuries to Wimberly's face that required treatment at Crossroads Hospital. Wimberly's injuries required 25 stitches. Bates' injuries consisted of an abrasion on his right eye and nose, and a small cut on his left arm. Positive ID by State ID Card. END OF REPORT

Witness(es):

☐ Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

C/O J. Brent Julius	3150	<i>[Signature]</i>	8/3/2012	8:39	<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Reporting Employee (Print Name)	Badge #	Signature	Date	Time	

Disciplinary Action:

Shift Review: ☒ Temporary Confinement ☐ Investigative Status

Reasons:

L.R. Cherim

[Signature] ASC

8.3.12

Shift Supervisor's Signature
(For Transition Centers, Chief Administrative Officer)

Date

Reviewing Officer's Decision: ☐ Confinement reviewed by Reviewing Officer Comment:☒ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee☐ Minor Infraction, submitted to Program Unit

L.T. G. Dams #11673 ASC

[Signature] ASC

8/3/12

Print Reviewing Officer's Name and Badge #

Reviewing Officer's Signature

Date

☐ Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge #

Hearing Investigator's Signature

Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

☒ Check if offender refused to sign

Offender's Signature

ID#

Serving Employee (Print Name)

Badge #

Signature

8.4.12

Date Served

7.12

Time Served

☒ a.m.
☐ p.m.☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature

ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report

Print offender's name

ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:

Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:

EMERGENCY REVIEW	
Date _____	
Received: _____	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
_____ Chief Administrative Officer's Signature	_____ Date

OFFENDER'S GRIEVANCE (Continued)

by inmate Bates# R-41674 when he hit inmate Wimberly with it in the face area, thus causing multiple injuries of 25 stitches at the Mt. Vernon Crossroads Hospital. However, because I.A.D. didn't write ~~the~~ the Fan was used as a weapon & damaged, it eliminates the procedure of ever-being replaced. But it shouldn't be held against inmate Wimberly that his Fan can't be replaced, due to I.A.D. has dropped the Ball twice in this situation concerning inmate Bates# R-41674. When it was crystal clear from the ticket wrote on 8-3-12 that the Fan was used as a weapon. And it shouldn't be inmate Wimberly's fault that internal affairs Lt. Schuller and Jeffrey B. Julius Badge #3150 didn't do their job right, and it's as if committing a crime as such, and using someone else's personal property as a weapon in Bigmuddy river corr. ctr. is okay, and no one has to pay for the now damaged property because I.A.D. will forget how to do their job at any given time.

C.C.

Date: <u>9-13-12</u>	Offender: (Please Print) <u>Anthony, Wimberly</u>	ID#: <u>N-61282</u>
Present Facility: <u>Shawnee corr-ctr.</u>	Facility where grievance issue occurred: <u>Bigmuddy river corr-ctr.</u>	
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property <input checked="" type="checkbox"/> Staff Conduct <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Disciplinary Report: _____	<input type="checkbox"/> Mail Handling <input type="checkbox"/> Dietary <input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Medical Treatment <input type="checkbox"/> Disability <input type="checkbox"/> HIPAA <input checked="" type="checkbox"/> Other (specify): <u>Inmate assault/battery</u>
Note: Protective Custody Denial may be grieved immediately via the local administration on the protective custody status notification. Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: <u>Continued From Previous Page. According to the Department rule 504.80(K) orientation manual Page 20 Category "L" adjustment committee cannot make recommendations for any transfers as the committee persons did in the case of inmate - Wimberly #N-61282 - w/o Aparicio, Allen J. and Saunders, Michael E. who is a counselor at the Bigmuddy river corr-ctr. in violation of Department rule 504.80(K) and in violation of inmate Wimberly's constitutional rights under the 8th and 14th amendment to the united states. After hearing date of charge of 301 8-6-12 where inmate Wimberly pleaded not guilty, due to having had to defend myself. Turn over from here.</u>		
Relief Requested: <u>Paid + Suffering + Charges brought to the fullest extent of the law, for the charge that qualifies for the injuries sustained, and time added consecutive to original charge + 2 to 5 yrs. A one yr. seg time</u>		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Offender's Signature: <u>Anthony, Wimberly</u>		ID#: <u>N-61282</u> Date: <u>9-13-12</u>
(Continue on reverse side if necessary)		

Counselor's Response (If applicable)	
Date Received: <u>9-13-12</u>	<input type="checkbox"/> Send directly to Grievance Officer <input checked="" type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____	

Print Counselor's Name: <u>D. Lynn</u>	Counselor's Signature: <u>D. Lynn</u> Date of Response: <u>9-13-12</u>

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature?
	<input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
Chief Administrative Officer's Signature: _____	
Date: _____	

OFFENDER'S GRIEVANCE (Continued)

And then an extended investigation ticket ⁸⁻⁶⁻¹² was written, after the time was served on the 301 charge & Wimberly was continued held in segregation until 9-6-12 and released, to find out that I Wimberly #A-61282 was still on the transfer list to be shipped. And it's all a plot to cover up the fact that the wrong charge was written up on inmate Bates #A41674, when it should've been for a dangerous assault or attempt murder. And now Lt. ⁱⁿ Schuller is telling me inmate Wimberly that charges were pending against inmate Bates #A41674, and that's why he was transferred on 9-5-12. But how can charges be brought when I inmate Wimberly is the victim of the injuries sustained of "25" stitches, when he was hit about the head & face, ear, lip, vision injury etc. Lt. Schuller did not ask me if I wanted to press charges against inmate Bates, and it seems as if it's okay to commit a crime of this magnitude in the - Big muddy river-corr-ctr. and not be charged. Because Lt. Schuller of Internal Affairs & his co-work 'b Jeffrey B. Julius ^{Badge #3150} had dropped the ball, when Lt. Schuller went on vacation, and left his co-worker in charge to follow up on the investigation, and he wrote up the wrong charge of a 301 on inmate Bates, when it was clear from inmate Wimberly's injuries to an outside hospital-crossroads in interview that the charge should have been upgraded to a dangerous assault or attempt murder - the ticket clearly states the severe injuries, so how could the ball be dropped like that? and now inmate Wimberly's being shipped further south - to "Strawnee-corr-ctr." to far for my family to visit, and would like to be transferred to "east moline-corr-ctr." or ~~Jacksonville-corr-ctr.~~ Jacksonville-corr-ctr. Because I'm now being prevented from pressing charges against inmate Bates, by them now transferring me from Big muddy river-corr-ctr. and it's wrong! —

Defendants: Lt. Schuller - I.A. D. Jeffrey B. Julius I.A. D. For not writing the correct charge, and covering up a crime. 'b Allen J. Sparico, and Michael E. Sauder's - counselor - For recommending transfer, in violation of D.R. 504.80(K) and Angela K. Winsor - warden, For signing off on a known crime & cover up if she would have just look thoroughly into seeing that it was wrong, and transferring inmate Wimberly as well.

C.C.

DEPARTMENT OF CORRECTIONS

Offender Disciplinary Report

Big Muddy River Correctional Center
Facility

Date: 7/6/2012

Type of Report:

☐ Disciplinary ☒ Investigative

Offender Name: Wimberly, Anthony

ID #: N61282

Offense Information:

Observation Date: 7/6/2012

Approximate Time: 3:45

☐ a.m.☒ p.m.

Location: R2D62

Offense(s): DR 504:

Investigative Status

Observation:

(NOTE: Each offense identified above must be substantiated.) On the above date and approximate time, I/M Wimberly was placed on Investigative Status for his involvement in a physical altercation with his cellmate, I/M Bates in R2D62. I/M Wimberly N61282 identified by photo identification and OTS demographics.

Witness(es):

☐ Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

L.H. Schuler	11229	<i>[Signature]</i>	7/6/2012	4:30
Reporting Employee (Print Name)	Badge #	Signature	Date	Time

Disciplinary Action:

Shift Review: ☐ Temporary Confinement☒ Investigative Status

Reasons: INVESTIGATION

Printed Name and Badge #

Shift Supervisor's Signature

Date

Reviewing Officer's Decision:

☐ Confinement reviewed by Reviewing Officer Comment:☐ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee☐ Minor Infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge #

Reviewing Officer's Signature

Date

☐ Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge #

Hearing Investigator's Signature

Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

☒ Check if offender refused to sign

Offender's Signature

ID#

Serving Employee (Print Name)

Badge #

Signature

Date Served

Time Served

☐ a.m.☐ p.m.☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature

ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report

Print offender's name

ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:

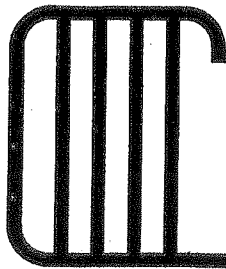
Print Name of witness

Witness badge or ID#

Assigned Cell
(if applicable)

Title (if applicable)

Witness can testify to:



Illinois
Department of
Corrections

PAT QUINN
Governor

S.A. GODINEZ
Director

1301 Concordia Court / P.O. Box 19277 / Springfield IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

May 9, 2013

Anthony Wimberly
Register No. N61282
Shawnee Correctional Center

Dear Mr. Wimberly:

This is in response to your grievance received on September 27, 2012, regarding Discipline Process (Proceedings for IDR 7/6/12) and Personal Property (Damaged 7/6/12), which were alleged to have occurred at Big Muddy River Correctional Center. This office has determined the issues will be addressed without a formal hearing.

This office has reviewed Offender Wimberly's combined grievances regarding alleged misconduct for the proceedings/actions surrounding a disciplinary report dated July 6, 2012 involving Offender Bates R41674 and for property damaged. This office notes that Wimberly is not grieving the IDR itself.

Offender Wimberly would like to press charges against Offender Bates for Bates' actions against Wimberly on July 6, 2012. This is not a grievable issue. Offender Wimberly grieves the charges I/A staff placed on Offender Bates' disciplinary report. This is a non-grievable issue. Offender Wimberly believes the Adjustment Committee cannot impose a disciplinary transfer. DR 504.80 states in part, "The Committee may recommend one or more of the following disciplinary actions:... Change the offender's housing assignment or transfer the individual to another correctional facility". Therefore, this claim by Wimberly has no merit. Offender Wimberly also grieves the actual transfer to Shawnee (9/12/12). Due to disciplinary reasons, a transfer was initiated by Big Muddy River and on September 12, 2012, Wimberly was subsequently transferred. As transfers are administrative decisions, this portion of the grievance is denied. Furthermore, Wimberly grieves damaged property. As this portion of the grievance relates to property, DR 504 requires that a Grievance Officer's and CAO's response be provided with the offender's grievance. As one was not provided by Wimberly, this office cannot address this claim.

Based on a total review of all available information, and in accordance with DR504.850, it is the opinion of this office that the grievance be denied.

FOR THE BOARD:

Sherry Benton
Administrative Review Board
Office of Inmate Issues

CONCURRED:

S.A. Godinez
Director

TA 5/22/13

cc: Warden, Shawnee Correctional Center
Anthony Wimberly, Register No. N61282

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT
OF ILLINOIS SPRINGFIELD

Anthony Wimberly
Plaintiff

V.

LT. Schuller, I.A.D.,
Jeffrey B. Julius I.A.D.
Allen J. Aparacio C/O Officer
Michael E. Sanders - Counselor
Angela K. Winsor - Warden

CASE NO. _____

Proof of Service / Certificate

To: <u>Clerk of United States</u> <u>District Court 151 U.S. Courthouse</u> <u>600 East Monroe St.</u> <u>Springfield Ill. 62701</u>	To: <u>Allen J. Aparacio</u> <u>Bigmuddy River Corr. Ctr.</u> <u>251 N. Illinois Hwy-37</u> <u>IANA Ill. 62846</u>	To: <u>Warden</u> <u>Angela K. Winsor</u> <u>Bigmuddy River Corr. Ctr.</u> <u>251 N. Illinois Hwy-37</u> <u>IANA Ill. 62846</u>
To: <u>Jeffrey B. Julius I.A.D.</u> <u>Bigmuddy River Corr. Ctr.</u> <u>251 N. Illinois Hwy-37</u> <u>IANA Ill. 62846</u>	To: <u>Counselor</u> <u>Michael E. Sanders</u> <u>Bigmuddy River Corr. Ctr.</u> <u>251 N. Illinois Hwy-37</u> <u>IANA Ill. 62846</u>	To: <u>LT. Schuller I.A.D.</u> <u>Bigmuddy River Corr. Ctr.</u> <u>251 N. Illinois Hwy-37</u> <u>IANA Ill. 62846</u>

Please Take Notice That ON 8-23- 2013 I Placed the attached
OR enclosed documents in the institutional mail
AT Shawnee Correctional Center. Properly addressed To the Parties Listed
above For mailing Through The United State Postal Service

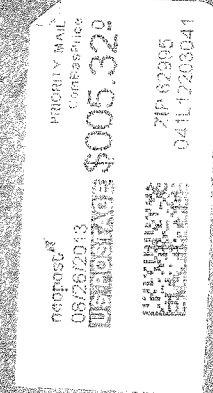
Date: 8-23- 2013

/s/ Anthony Wimberly
Name Anthony Wimberly
IDOC # N-61282
Address: Shawnee C.C.
6605 State Route 146 E.
Vienna IL 62995

Subscribed and Sworn To before me This 23 day of August 2013

Theresa Casteel
Notary Public

OFFICIAL SEAL
THERESA CASTEEL
Notary Public - State of Illinois
My Commission Expires Apr 22, 2014



ANTHONY, WIMBERLY
11-61282
SHAWNEE-COURT-CTR.
6665 STATE AVE. 146 EAST
SPRINGFIELD, ILL. 62795

C/O Clerk of United States
District Court 151 U.S. Court Hse
Court House -
600 East Monroe Street
Springfield, Illinois 62701